

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

SHELDON STEPHENS,)	CASE NO. _____
)	
Plaintiff,)	
)	
v.)	JURY TRIAL REQUESTED
)	
KEVIN CLASH,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff, SHELDON STEPHENS, by and through his undersigned counsel, hereby files this Complaint against Defendant, KEVIN CLASH, and states as follows:

PARTIES

1. SHELDON STEPHENS ("SHELDON") is an adult male and citizen and resident of the Commonwealth of Pennsylvania.

2. Defendant, KEVIN CLASH ("CLASH") is a citizen and resident of the State of New York. At all relevant times, CLASH was an internationally-known puppeteer and voice actor for children's programming whose characters included the instantly recognizable falsetto-voiced Elmo. Elmo is a character on the television show *Sesame Street*.

3. CLASH had a sexual relationship with SHELDON which began when SHELDON was a teenager and continued into SHELDON's adulthood. Throughout the course of the underage sexual contact, SHELDON was a compliant victim unaware that CLASH's actions were injurious or harmful.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiff alleges a claim under the laws of the United States.

5. This Court also has jurisdiction over this claim pursuant to 28 U.S.C. § 1332 in that the amount in controversy in this claim exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states.

6. Defendant CLASH is subject to personal jurisdiction in this judicial district by virtue of having purposefully availed himself of the laws of Pennsylvania by sending chauffeurs to transport Plaintiff from Plaintiff's home in Pennsylvania to New York on multiple occasions for illicit sexual acts. Additionally, a substantial part of the events giving rise to this claim occurred in this District, including the initial encounters of the parties and the subsequent transport of the Plaintiff from his home in Pennsylvania for sex.

7. This Court has venue of this action pursuant to 28 U.S.C. §§ 1391(a) and 1391(b)(2) in that a substantial part of the events giving rise to this claim occurred in this District.

FACTS

8. At all relevant times Defendant CLASH was an adult male living a prominent public life centered around the entertainment of toddlers, while at the same time he was, in secret, preying on teenage boys to satisfy his depraved sexual interests. CLASH was born in 1960.

9. SHELDON was born in July 1988 and raised in Pennsylvania.

FIRST MEETING

10. In or about 2004 when SHELDON was 16 years old, SHELDON met CLASH at a social networking event for models and actors.

11. At their first meeting, CLASH told SHELDON he would help SHELDON with his acting career. CLASH told SHELDON to look him up on the internet to find out who he was and to see his credentials. CLASH also asked SHELDON to send him modeling pictures and

information so he could pass it around to people in the industry. CLASH and SHELDON remained in contact by telephone after their first meeting.

KEVIN CLASH'S SEXUAL ACTS WITH PLAINTIFF

12. From their earliest conversations, CLASH led SHELDON to believe that he was interested in having a sexual relationship with the teenage SHELDON. CLASH showered SHELDON with attention and affection.

13. During their telephone calls, CLASH lured SHELDON to visit him in New York for sexual encounters. CLASH made arrangements by telephone to send chauffeurs from New York to pick SHELDON up in Harrisburg, Pennsylvania, and transport him to CLASH's apartment in New York.

14. After SHELDON arrived in New York at CLASH's apartment, CLASH had sexual intercourse with SHELDON involving anal penetration, beginning when SHELDON was 16 years old. This pattern of sexual activity between KEVIN CLASH and SHELDON continued over a period of years.

CRYSTAL METH SEX PARTY

15. Through his various trips to New York, SHELDON also became acquainted with the chauffeur who transported him to CLASH's apartment. On one occasion, a male chauffeur drove CLASH and SHELDON to the chauffeur's apartment, where they had a crystal meth sex party. While in the apartment, CLASH smoked crystal meth while engaging in sexual activity with SHELDON. CLASH also gave SHELDON "poppers" as a sexual aide. While CLASH had sexual contact with SHELDON, the chauffeur watched and masturbated

16. CLASH used a facility or means of interstate commerce to knowingly persuade, induce or entice JOHN, when he was under the age of 18 years, to engage in sexual activity for which CLASH can be charged with a criminal offense.

17. Although CLASH's sexual activity with SHELDON began in or about 2004, when SHELDON was a minor Plaintiff, he was not immediately aware of his injuries. As a teenage boy, SHELDON was not emotionally or psychologically prepared for a sexual relationship with a grown man. As a compliant victim showered with attention and affection, SHELDON did not become aware that he had suffered adverse psychological and emotional effects from CLASH's sexual acts and conduct until 2011.

18. SHELDON did not become aware of his injuries, nor was he able to make a causal connection between his injuries and the sexual acts of CLASH until 2011. Given Plaintiff's compliance with the sexual relationship and the attention and affection CLASH gave him, SHELDON could not reasonably have been expected to know that he had been injured and that CLASH had caused his injuries at the time of their sexual contact.

COUNT I

SEXUAL BATTERY FOR CHILDHOOD SEXUAL ABUSE

19. Plaintiff repeats and re-alleges paragraphs 1 through 18 above.

20. CLASH intentionally engaged in unlawful sexual contact, including anal penetration, with SHELDON while SHELDON was a minor.

21. SHELDON did not have the capacity to consent to sexual contact with CLASH because SHELDON was a minor.

22. CLASH's sexual contacts with SHELDON were intentional and harmful.

23. As a direct and proximate result of CLASH's sexual assault of SHELDON, he has suffered physical, psychological and emotional damages.

WHEREFORE, Plaintiff demands judgment against Defendant CLASH for compensatory damages, punitive damages, costs, and such other and further relief as this Court deems just and proper.

COUNT II

**TRAVEL WITH INTENT TO ENGAGE IN ILLICIT
SEXUAL CONDUCT IN VIOLATION OF 18 U.S.C. § 2423**

24. Plaintiff repeats and re-alleges paragraphs 1 through 18 above.

25. CLASH knowingly arranged, facilitated, and paid for the transportation of SHELDON across state lines from Pennsylvania to New York for the purpose of engaging SHELDON in sexual activity while SHELDON was still a minor.

26. After CLASH transported SHELDON from Pennsylvania to New York, CLASH did engage SHELDON while he was still a minor, in skin-to-skin sexual contact, including sodomy.

27. CLASH's acts and conduct are in violation of 18 U.S.C. § 2423.

28. Although CLASH's arrangement for SHELDON's interstate travel for the purpose of illicit sexual conduct occurred in or began in approximately 2004, SHELDON was not immediately aware of his injuries. Specifically, SHELDON did not become aware that he had suffered psychological and emotional injuries arising from the acts and conduct of CLASH until approximately 2011.

29. Plaintiff retained Herman Law as his attorneys in this matter, and agreed to pay the firm reasonable attorneys' fees.

WHEREFORE, Plaintiff demands judgment against Defendant KEVIN CLASH for all damages available under 18 U.S.C. § 2255(a), including without limitation, actual and compensatory damages, costs of suit, and attorneys' fees, and such other relief as this Court deems just and proper.

COUNT III

**COERCION AND ENTICEMENT TO SEXUAL
ACTIVITY IN VIOLATION OF 18 U.S.C. § 2422**

30. Plaintiff repeats and re-alleges Paragraphs 1 through 18 above as fully set forth herein.

31. CLASH's acts and conduct are in violation of 18 U.S.C. § 2422.

32. Although CLASH's telephone calls with SHELDON for the purpose of illicit sexual conduct occurred in or began in approximately 2004, SHELDON was not immediately aware of his injuries. Specifically, SHELDON did not become aware that he had suffered psychological and emotional injuries arising from the acts and conduct of CLASH until approximately 2011.

33. Plaintiff retained Herman Law as his attorneys in this matter, and agreed to pay the firm reasonable attorneys' fees.

WHEREFORE, Plaintiff demands judgment against Defendant KEVIN CLASH for all damages available under 18 U.S.C. § 2255(a) including, without limitation, actual and compensatory damages, costs of suit, and attorneys' fees, and such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial of his claims by jury.

Dated: March 18, 2013

Respectfully submitted,

By: /s/ Daniel J. Tann
djtannesq@verizon.net
LAW OFFICES OF DANIEL J. TANN
Local Counsel for Plaintiff, Sheldon Stephens
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Philadelphia, Pennsylvania 19110
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and

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SHELDON STEPHENS

(b) County of Residence of First Listed Plaintiff Dauphin County, Pennsylvania
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
LAW OFFICES OF DANIEL J. TANN
100 South Broad Street, Suite 1355
Philadelphia, Pennsylvania 19110
Tel: 215-670-0066
Fax: 215-640-8878

DEFENDANTS

KEVIN CLASH

County of Residence of First Listed Defendant Kings County, New York
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. § 2422, 18 U.S.C. § 2423, and 18 U.S.C. § 1332(a)
Brief description of cause:
Child sexual abuse

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/18/2013

/s/ Daniel J. Tann

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.